STATUTORY RULES OF NORTHERN IRELAND

2005 No. 130

PENSIONS

The Pension Protection Fund (Reviewable Ill Health Pensions) Regulations (Northern Ireland) 2005

Made - - - -	*16th March 2005*
Coming into operation	*6th April 2005*

The Department for Social Development, in exercise of the powers conferred on it by Articles 124(3)(b) and (6), 125(2) and (6) and 287(2) and (3) of, and paragraph 37(4) of Schedule 6 to, the Pensions (Northern Ireland) Order 2005(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Pension Protection Fund (Reviewable Ill Health Pensions) Regulations (Northern Ireland) 2005 and shall come into operation on 6th April 2005.

(2) In these Regulations –

(a) "the Order" means the Pensions (Northern Ireland) Order 2005; and

(b) any reference to a numbered Article is a reference to the Article of the Order bearing that number.

Prescribed period for the purposes of review

2. The prescribed period for the purposes of Article 124(3)(b) (reviewable ill health pensions) is six months.

Notice of review

3.—(1) Where the Board decides to review a reviewable ill health pension in accordance with Article 124(2) it must notify the member entitled to that pension.

(2) A notice issued by the Board under paragraph (1) may require the member to –

(a) produce any document or a copy of any document;

(b) provide such further information,

(**1**) S.I.2005/255 (N.I. 1); the Pensions (Northern Ireland) Order 2005 is modified in its application to partially guaranteed schemes, hybrid schemes and multi-employer schemes by, respectively, S.R. 2005 Nos. 55, 84 and 91

by such time as the Board may specify in the notice.

Medical examination

4. For the purposes of deciding whether the conditions set out in Article 125(3)(b) (effect of a review) are satisfied, the Board may require the member entitled to the ill health pension to attend a medical examination.

Failure to produce a document, provide information or attend a medical examination

5. Where a member fails to –

(a) produce a document or a copy of a document in accordance with a notice issued under regulation 3;

(b) provide such further information as the Board may require in accordance with a notice issued under regulation 3; or

(c) attend a medical examination in accordance with regulation 4,

the Board may decide whether the conditions set out in Article 125(3)(b) are satisfied on the basis of the information available to it.

Matters to be taken into account in making a decision

6. In deciding whether the conditions specified in Article 125(3)(b) have been satisfied, the Board must take into account –

(a) any document produced or information provided by the member in accordance with a notice given under regulation 3;

(b) any document produced or information provided by a person in accordance with a notice given by the Board in respect of the review under Article 173(1) (notices requiring provision of information);

(c) the results of any medical examination carried out under regulation 4;

(d) any other documents produced or information made available by the member or the trustees or managers of the scheme.

Notice of decision

7. The Board must send a copy of its decision under Article 125 to –

(a) the member entitled to the ill health pension; and

(b) the trustees or managers of the scheme.

Content of the decision

8.—(1) The copy of the decision sent to the member in accordance with regulation 7(a) must include –

(a) a statement confirming whether in the opinion of the Board the conditions set out in Article 125(3) are satisfied;

(b) the reasons for that decision;

(c) a statement confirming whether the Board has determined under Article 125(2) that the compensation payable in respect of the ill health pension is to be determined in accordance with these Regulations on or after the relevant date;

(d) an explanation as to the effect of any determination;

(e) references to any relevant legislation;

(f) a statement that if the member is dissatisfied with –

(i) a decision of the Board under Article 125, or

(ii) a determination of the Board under Article 125(2),

he may make a written application for review of the matter; and

(g) the time by which an application for review must be made.

(2) The copy of the decision sent to the trustees or managers of the scheme in accordance with regulation 7(b) must include the matters specified in paragraph (1)(a), (c), (d) and (e).

Effect of the decision

9. A decision or determination by the Board under Article 125 is not binding until –

(a) the period within which the decision or determination may be reviewed by virtue of Chapter 6 of Part III of the Order has expired; and

(b) if the decision or determination is so reviewed –

(i) the review and any reconsideration;

(ii) any reference to the PPF Ombudsman in respect of the matter, and

(iii) any appeal against his determination or directions,

has been finally disposed of.

Costs of providing information or attending a medical examination

10. Subject to the provision of such evidence of expenditure as the Board may require, the Board may reimburse any costs reasonably incurred by a member in –

(a) producing any document or providing any information in accordance with a notice given under regulation 3; or

(b) attending a medical examination in accordance with regulation 4.

Effect of a review on compensation payable under paragraph 3 of Schedule 6 to the Order

11.—(1) Where the Board –

(a) decides that the conditions set out in Article 125(3) are satisfied; and

(b) determines under Article 125(2) that the compensation payable in respect of the pension is to be determined in accordance with these Regulations,

paragraph 3 of Schedule 6 to the Order (pensions in payment at the assessment date) shall apply with the modifications prescribed in paragraph (2).

(2) Where paragraph (1) applies, paragraph 3 of Schedule 6 to the Order shall apply as if in sub-paragraph (4) for the words from "means –" to the end there were substituted "means 0 (nil) %.".

Effect of a review on compensation payable under paragraph 15 of Schedule 6 to the Order

12. Where –

(a) a pensioner is entitled to periodic compensation under paragraph 3(2) of Schedule 6 to the Order; and

(b) the appropriate percentage in paragraph 3(4) of that Schedule is 0 (nil) %,